

Proposed Recycling Market Development Zone Regulation Changes

Current Regulations are in black. Proposed changes are underlined:

17901. Definitions.

In addition to the definitions contained in Public Resources Code Sections 40100-40201 and 42002, the following definitions apply to the regulations contained in this Article.

- (a) "Board" means the California Integrated Waste Management Board.
- (b) "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous wastes.
- (c) "Designation cycle" means the time it takes to complete all the steps that the Board and applicants take to establish Recycling Market Development Zones. The steps include requesting applications, preparing and submitting applications, evaluating applications, selecting zones, and making final designations as Recycling Market Development Zones.
- (d) "Final designation" means an applicant has received written notification from the Board stating it has satisfactorily completed all the requirements for designation as a Recycling Market Development Zone.
- (e) "May" means a provision is permissive.
- (f) "Must" means a provision is mandatory.
- (g) "Proposed Zone" means the geographic area identified in a Recycling Market Development Zone application for designation as a Recycling Market Development Zone.
- (h) "Recycling Market Development Zone application" means the written application submitted to the Board, the contents of which are specified in section 17905 of this chapter.
- (i) "Recycling Market Development Zone" or "Zone" is a geographic area as defined by Public Resources Code Section 42002(c).
- (j) "Redesignation" means Board approval of an application as defined in section 17914, which describes proposed changes to a currently designated Recycling Market Development Zone. The proposed changes may include, but are not limited to, ~~amendments to an existing Zone's policies, plans and programs,~~ expansion of an existing Zone's boundaries, reduction of a Zone's boundaries, ~~and~~ renewal of Zone designation, and change in boundaries of a Zone.
- (k) "Zone Administrator" means the person selected by the applicant to administer the activities of the Zone and report upon its activities to the Board.
- (l) "Expansion" means the addition of a jurisdiction or jurisdictions to an existing Zone's boundaries.
- (m) "Reduction" means the deletion of jurisdiction or jurisdictions from an existing Zone's boundaries.
- (n) "Change in boundaries of a Zone" means the addition or reduction of land that does not involve the addition or deletion of a jurisdiction or jurisdictions

Note:

Authority cited:

Sections 40502 and 42013 of the [Public Resources Code](#).

Reference:

Sections 40050, 42002, 42010, 42014, 42019, 42020, and 42022 of the [Public Resources Code](#).

17902. How does a Recycling Market Development Zone designation cycle start?

(a) By March 31 of each year, ~~if and when the Board determines a need for additional zones, the Board it~~ will evaluate the maximum number of new Recycling Market Development Zones to be designated and initiate a new cycle. ~~it will designate during the cycle.~~ The Board will ~~also~~ identify the statewide recycling market development objectives for the designation cycle. These are described in Section 17909.

(b) ~~By July 1 of each year~~ Within 120 calendar days of the action taken in (a) above, the Board will mail a notice to all who have made a written request to receive notification, announcing the date when a Recycling Market Development Zone designation cycle will begin. The notice will state the number of the Zones the Board will designate during the designation cycle and will list the statewide recycling market development objectives and their priority of importance.

Note:

Authority cited:

Sections 40502 and 42013 of the [Public Resources Code](#).

Reference:

Section 42013, 42014 of the [Public Resources Code](#).

17905. What do I need to include in my Zone application?

Your Zone application must include all the items listed in (a) through (g), below. When the Board reviews your application, it will consider only the information in your application.

- (a) The name(s) and address(es) of the applicant or applicants, and
- (b) The name, address, and phone number of the Proposed Zone's administrator, and
- (c) The location of the Proposed Zone, as follows:
 - (1) A narrative description of the Proposed Zone's boundaries and location within the State of California, and
 - (2) On a street map, clearly identify the streets that mark the boundaries of the Proposed Zone, and
 - (3) A copy of the existing general zoning and land use maps for the Proposed Zone's area and the area immediately surrounding it. Clearly identify the boundaries of the Zone of this, map, and
- (d) Letters of support and commitment from all cities, counties, agencies, organizations, financial institutions, and businesses, including all suppliers of recovered materials, which you have identified in the application as having a role in the Proposed Zone, and
- (e) A copy of the resolution or ordinance, from each governing body having jurisdiction over any portion of a Proposed Zone, that makes the findings required by Section 42010(b) of the Public Resources Code, and
- (f) A detailed recycling market development plan, as described in Section 17907, and

(g) A statement describing how you intend to satisfy the California Environmental Quality Act or demonstration of California Environmental Quality Act compliance.

(h) A statement demonstrating the Zone's commitment to environmental justice and to protecting the environment and public health and safety in a manner that does not unfairly affect any low-income and minority populations.

Note:

Authority cited:

Sections 40502, 42013 and 71110 of the [Public Resources Code](#).

Reference:

Sections 42010(b), 42015 and 71110(a) of the [Public Resources Code](#).

17910. What happens if the Board designates my area as a Zone?

(a) The Board will send you a letter, hereafter referred to as "Notification", within a minimum of 90 and a maximum of 120 calendar days of the application deadline and tell you whether or not you were selected as a Recycling Market Development Zone. The median time frame for sending you notification is 110 calendar days. If the Board designates your area as a Zone, the Notification may state that the designation is conditional and specify certain conditions that you must satisfy in order to receive final designation from the Board.

(b) Actions you must complete within 90 calendar days prior to receiving final designation may include, but are not limited to, the following:

- (1) You must submit copies of ~~have~~ all multi-jurisdictional agreements finalized.
- (2) You must demonstrate compliance with the California Environmental Quality Act.

Note:

Authority cited:

Sections 40502 and 42013 of the [Public Resources Code](#).

Reference:

Sections 42014 and 42015 of the [Public Resources Code](#).

[Section 15376 of the Government Code](#)

17911. I have completed all conditions listed in my Notification. When can I get final designation?

(a) After you satisfy all the conditions in your Notification, you must apply in writing for final designation. The Board must receive your request for final designation within 365-120 calendar days from the date of the Notification. Your request for final designation must document that you meet the conditions that were specified in your Notification. The Board will make its determination within a minimum of 45 calendar days and a maximum of 90 calendar 90 days of receipt of your request for final designation. The median timeframe is 75 calendar days.

(b) If you do not satisfy all the conditions of your Notification within the ~~365-~~120 calendar day time period, you will forfeit your designation status.

Note:

Authority cited:
Sections 40502 and 42013 of the [Public Resources Code](#).

Reference:
Sections 42014 and 42015 of the [Public Resources Code](#).

17913. Do I have to submit regular reports?

Yes. ~~By March 31 of Each year, on the anniversary date of your final designation,~~ you must submit a report to the Board. At a minimum, the report must include the following:

- (a) The names and addresses of the recycling businesses in the Zone, and
- (b) The types and amounts of postconsumer or secondary waste materials used as feedstock by recycling businesses in the Zone.
- (c) Any marketing efforts undertaken and the outcomes of these efforts.

Note:

Authority cited:
Sections 40502 and 42013 of the [Public Resources Code](#).

Reference:
Section 40507 of the [Public Resources Code](#).

Section 17914 California Code of Regulations

17913.5. Can a Zone terminate its Zone designation?

Yes, a Zone can terminate its Zone designation. A zone that wishes to terminate its Zone designation, must submit the following:

- (a) A letter from the Zone Administrator requesting termination of Zone designation.
- (b) Copies of resolutions or ordinances from each affected jurisdiction within the zone boundaries requesting termination of Zone designation.

Within 14 calendar days of receiving the above documents, Board staff will review the documents to make sure that the requirements in sections (a) and (b) above have been met. Upon determination that the requirements have been met, a letter will be sent to the Zone Administrator informing that Zone related services by the Board will cease and the Zone designation has been terminated.

Note:

Authority cited:
Sections 40502 and 42023 of the Public Resources Code.

Reference:
Section 42013, 42014 of the Public Resources Code.

17914. Can a Zone be redesignated?

Yes, the Board may redesignate a Zone. The Zone Administrator must submit an application to the Board describing proposed changes to the existing Zone plan. Changes to an existing Zone plan may include, but are not limited to: a request for renewal of a current Zone designation; ~~any amendment to a Zone's policies, plans and programs; and~~ any request for approval of an expansion or reduction or ~~other~~ change in ~~boundaries of a current Zone's boundaries.~~ For redesignation applications that seek renewal of a current Zone designation, a completed application must be submitted to the Board at least 60 calendar days prior to the Zone's expiration date. Each application for redesignation must include, but is not limited to, the following:

(a) The name(s) and address(es) of the redesignation applicant or applicants and the Zone Administrator.

(b) A statement of the purpose for submitting the redesignation application, selected from the following categories:

(1) renewal of designation, or

~~(2) change in existing policy, plan, or program, or~~

~~(3)~~ zone expansion, or

~~(4)~~ reduction or ~~other change in the geographical area of a zone, or~~

~~(5)~~ other (specify) change in boundaries.

(c) Documents depicting the location of the proposed redesignation area, as follows:

(1) A description of the redesignation area's boundaries and location within the State of California,

(2) A street map identifying the streets that mark the boundaries of the redesignation area on a street map, and

(3) For redesignation categories (1), (2), (3), and ~~(5)~~ listed in section (b) above, copies of existing general zoning and land use maps for the proposed redesignation area and the area immediately surrounding it. Clear identification of the boundaries of the proposed changes to the Zone should be on the maps.

(d) For redesignation categories (1), and (2), ~~(3), and (5)~~ listed in section (b) above, a copy of the Notice of Determination which has been filed with the State Clearinghouse in the Office of Planning and Research as evidence of compliance with the California Environmental Quality Act (Public Resources Code sections 21000 et seq.) as it applies to the proposed changes in the Zone.

(1) Copies of any multi-jurisdictional agreements that pertain to the administration of an existing Zone.

(2) A statement demonstrating the Zone's commitment to environmental justice and to protecting the environment and public health and safety in a manner that does not unfairly affect any low-income and minority populations.

(e) For a redesignation application submitted to obtain renewal of a designation,

- ~~(1) -aA~~ discussion of why redesignation is sought
- ~~(2) -and-aA~~ copy of the resolution or ordinance from each governing body having jurisdiction over areas included in the Zone boundary~~yies~~ that makes the findings required by Section 42010(b) of the Public Resources Code;
- (3) Copies of any multi-jurisdictional agreements that pertain to the administration of the existing Zone
- (4) An updated Market Development Plan that meets the requirements in CCR Section 17907 (a)-(g).

~~(f) For redesignation applications that will result in a change in policy, plan or program, a description of the proposed change and a copy of the resolution or ordinance from each governing body having jurisdiction over any portion of the current Zone for which a redesignation is being requested that supports the proposed redesignation;~~

~~(g)~~ For a redesignation application that will result in expansion of a Zone:

- (1) A statement of justification concerning why the expansion is necessary, how it will complement the existing Zone, and how this proposed expansion will create additional markets for recyclable materials;
- (2) Copies of resolutions from each governing body having jurisdiction over any portion of the current Zone for which redesignation is being requested that supports the proposed expansion;
- (3) Copies of resolutions or ordinances from each governing body having jurisdiction over areas not currently included in the Zone boundary that makes the findings required by Section 42010(b) of the Public Resources Code; and
- (4) A Supplemental Recycling Market Development ~~Zone-p~~Plan which shall include, but is not limited to, the following:
 - (A) An analysis of how the new area of the Zone will be supplied with the necessary feedstock to support the number and types of businesses planned for development within the Zone.
 - (B) A marketing plan that describes how the new area of the Zone will attract new businesses, and expand existing businesses.
 - (C) A description of how the new area of the Zone will be funded and fit into the organizational structure of the current Zone, and an organizational chart of the proposed Zone.
 - (D) A description of the incentives the local governments plan to offer to businesses in the new area of the Zone.
 - (E) A description of the financial support that will be available to businesses in the new area of the zone.
 - (F) An analysis of the available or planned public works systems that will be available to support the new area of the Zone.
 - (G) A description of the real property and buildings available in the new area of the Zone for market development purposes.

~~(5) Letters of support and commitment from all cities, counties, agencies, organizations, financial institutions, and businesses, including waste haulers, which, in your redesignation application, you have identified as having a potential role in the new area of the Zone upon redesignation~~ Letters of commitment and support for the new Zone area, from jurisdictional entities having a role to play in implementing the expanded Zone's Market Development Plan.

~~(hg)~~ For redesignation applications submitted that will result in reduction in the area of a Zone, a description of the proposed change in the Zone boundaries~~ies~~ and copy of the resolution or ordinance from each governing body having jurisdiction over the area of the reduction ~~that supports the proposed redesignation.~~

(h) For redesignation applications submitted that will result in change in boundaries of a zone,

- 1) A description of the proposed change in the Zone boundaries
- 2) Copy of the resolution or ordinance from the jurisdiction having governing authority on the proposed change in boundaries.
- 3) A statement describing how you intend to satisfy the California Environmental Quality Act or demonstration of California Environmental Quality Act compliance.
- 4) A statement demonstrating the Zone's commitment to environmental justice and to protecting the environment and public health and safety in a manner that does not unfairly affect any low-income and minority populations.

Note:

Authority cited:

Sections 40502, 42013, and 42014 of the [Public Resources Code](#).

Reference:

Sections 42010, 42012, 42014, 42015, and 42016 of the [Public Resources Code](#).

Authority Cited:

Section 21086 of the Public Resources Code

Reference:

Section 21084 of the Public resources Code

Authority Cited:

Section 71110 of the Public Resources Code

Reference

Section 71110(a) of the Public Resources Code

17914.5. What is the Board's process for reviewing Zone redesignation applications and designating Zones?

(a) Upon receipt of your application for redesignation, the Board will review the application to determine that it is complete. Within 21 calendar days of receiving an application for redesignation, the Board will send an Initial Review Letter to the applicant, stating that the Board has received the application.

The minimum time frame for completing the Initial Review is seven calendar days. The median time frame is 14 calendar days. The maximum time frame is 21 calendar days.

The Initial Review Letter will notify each applicant of the date that the application was received, and whether the application is complete or incomplete. If the application is incomplete, the Initial Review Letter will specify any deficiencies regarding completeness or eligibility and grant the applicant 14 calendar days from the date of the letter to correct the deficiencies and submit the changes to the Board.

The Board must receive the noted changes by 4:00 p.m. on the 14th day from the date the letter is sent. Within ten calendar days of receiving the additional information requested by staff in the Initial Review Letter, the Board will notify each applicant whether the application is complete or incomplete.

- (1) At any time within the 21 day Initial Review period, and prior to receiving the Board's Initial Review Letter, an applicant can make minor administrative changes such as changing the name of a contact person, submitting missing pages or correcting minor errors.
- (b) The Board will conduct a Technical Review of the application, to evaluate the Market Development Plan for its technical adequacy and its ability to succeed. The Technical Review will begin no later than 14 calendar days after the Board's receipt of a complete application for Redesignation. The minimum time frame for completing the Technical Review is seven calendar days. The median time frame is 14 calendar days. The maximum time frame is 21 calendar days.

Following the Technical Review, a letter will be sent to the applicant specifying any technical deficiencies in the application. The applicant shall have 14 calendar days to correct the noted deficiencies and submit changes to the Board. The Board must receive changes by 4:00 p.m. on the 14th day from the date the letter is sent.

- (1) Within the 21 day Technical Review period, and prior to receiving the Board's Technical Review Letter, an applicant may correct technical deficiencies as identified in the technical review of the application such as additional analysis regarding targeted feedstock for market development purposes, development of matching local incentives and sources of funding, property and infrastructure availability, inclusion of clearly stated goals and objectives, specific strategy for business attraction and retention efforts, specific strategy for advertising and promotion of the Zone, and administration and funding sources.
 - (c) Upon receipt of corrections of technical deficiencies identified in the technical review by staff, the Board will either grant or deny the request for redesignation. The redesignation will take effect upon the Board's formal approval.
- The Board will send a "Notification" letter to the applicant informing it of its decision, within 14 calendar days of its decision. If an applicant is denied redesignation it may reapply.

- (1) If the Board grants conditional redesignation of a zone, the Notification letter will specify conditions of approval that must be satisfied prior to final redesignation. The applicant will have 365120 calendar days from the date of Notification letter to satisfy the conditions of redesignation.

The Board must receive a written request from the Zone applicant for final redesignation. If conditions of redesignation are not satisfied within the 365120 calendar day period, redesignation status will not be approved. The applicant may reapply for redesignation.

Note:

Authority cited:

Sections 40502, 42013, and 42014 of the [Public Resources Code](#).

Reference:

Section 42014, 42015, and 42020 of the [Public Resources Code](#).